FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

APPEAL FROM ORDER ST.NO.12577 OF 2005

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Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders

Court's or Judge's orders

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Mr.R.S. Apte with Mr.Y.M. Choudhari for the Appellant.

Mr.Avinash Bhalekar for Respondent No.4.

**CORAM : A.S. OKA,**
**VACATION JUDGE.**

**DATED : 12TH MAY, 2005.**

P.C. :

1. The challenge by the Original Plaintiffs - Appellants in this appeal from order is to the order dated May 6, 2005 by which according to the Appellants prayer for ad-interim relief was rejected. the learned counsel appearing for Respondent No.4 states that on May 6, 2005, prayer for ad-interim relief made by the Appellants was not at all considered by the learned Trial Judge on merits. Mr.Apte appearing for the Appellants states that the Appellants are praying for ad-interim relief in the notice of motion only as against Respondent No.4.

2. The impugned order does not show that prayer for ad-interim relief is considered on merits by the learned Trial Judge and that is the admitted position before me. In view of this position, this appeal need not be entertained.

3. It will be open for the Appellants to move the concerned Vacation Judge of the Trial Court for ad-interim relief in the pending notice of motion (second notice of motion taken out by the Appellants) as against Respondent No.4. If such an application is made, the same shall be decided by the learned Vacation Judge of the Trial Court expeditiously. All contentions of the parties are kept open.

4. The appeal is disposed of in above terms with no order as to costs.

(A.S. Oka)
Vacation Judge.